



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No. 3537 of 2022

W.M.P. (MD) Nos. 3089 & 3090 of 2022

R.Jagadeesan

.. Petitioner

Vs

1.The Debts Recovery Tribunal,
III & IV Floor, Kalyani Towers,
Melur Road,
Madurai.

2.The Authorized Officer,
Union Bank of India,
Aruppukottai 2 Branch,
No.2/1875-B, Ground Floor,
Tuticorin Bye-Pass Road,
Aruppukottai - 626 106,
Virudhunagar District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned e-auction sale notice dated 05.02.2022 issued by the 2nd respondent and quash the same as illegal and restraining the 2nd respondent from taking physical possession or selling or disposing of the secured assets until the disposal of Extension Petition in I.A.No.1905/2021 in S.A.No.395/2021 pending before the Debts Recovery Tribunal, Madurai.

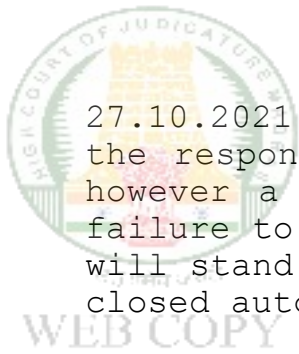
For Petitioner : Mr.M.Sridharan

For Respondents : Mr.Balasubramani for R2

ORDER

[Made by R.VIJAYAKUMAR, J.]

The petitioner has received a notice under Section 13(4) of the SARFAESI Act dated 13.08.2021. The petitioner challenged the said order in S.A.No.395 of 2021 before the Debts Recovery Tribunal, Madurai. Pending that appeal, the petitioner had filed I.A.No. 1454 of 2021 seeking an order of interim stay of 13(4) notice. An order was passed on 27.09.2021 granting interim orders in favour of the petitioner on condition that the petitioner should deposit Rs.10,01,000/- directly to the respondent bank on or before



27.10.2021 as first installment and another sum of Rs.10,01,000/- to the respondent bank on or before 26.11.2021 as second installment, however a rider was placed in the said order that in case of any failure to comply with any one of installments, the stay application will stand automatically vacated and I.A.No.1454 of 2021 shall stand closed automatically.

2. Admittedly, the petitioner has complied with the first installment and the second installment was complied with after a delay of 13 days. Since the stay order got automatically vacated, the respondent bank proceeded to issue second e-auction notice on 05.02.2022, fixing the date of public auction on 10.03.2022. This second e-auction sale notice is under challenge in the present writ petition.

3. Pending writ petition, the respondent bank has chosen to withdraw the second e-auction notice dated 05.02.2022. Hence nothing survives in the above writ petition. Anyhow we would like to clarify that the interim order that was granted by the Debts Recovery Tribunal, Madurai on 27.09.2021 has been complied with in letter and spirit though with the delay of 13 days. Hence we find that, in the interest of justice, let I.A.No.1454 of 2021 get restored to file of Debts Recovery Tribunal, Madurai. The stay order granted in the said interim application will continue till further orders are passed by Debts Recovery Tribunal, Madurai.

4. With the above observations, this writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssm/25

To

The Debts Recovery Tribunal,
III & IV Floor, Kalyani Towers,
Melur Road,
Madurai.

W.P (MD) No. 3537 of 2022
04.04.2022

ARK (CO)
GC(19.04.2022) 2P 2C

<https://hcservices.ecourts.gov.in/hcservices/>